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Supreme Court, U.S.
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90-1961

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

NO_____

CURTIS L. WRENN
P. O. Box 203
Fort Drum, NY 13603,

Petitioner.

vs

UNITED STATES OF AMERICA, ET AL.,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

QUESTIONS PRESENTED FOR REVIEW

If this Court grants the petition for certiorari, it will have to decide whether the petitioner's rights, privileges and immunities were abridged by the lower courts' decisions. More specifically:

1. Whether the dismissal of the petitioner's FOIA claims, without examining the records compiled of him by the responsible federal agencies, violated his procedural due process and/or property right?

2. Whether the issuance of threats, in an apparent attempt to intimidate the petitioner, violated his First Amendment right of free speech? See App I and J.

3. Whether the imposition of sanctions, in the form of attorney's fees (App A, B, C, D, K, L and M), without a finding that the claims were frivolous, unreasonable or without foundation, violated his due process rights under the Fourteenth Amendment?

4. Whether the imposition of sanctions by the courts, without a hearing and/or without articulating specifically how the petitioner's claims were frivolous (App A, B, C, D, I, J and K) or were designed to harass the defendants (App L and M), violated the Fifth Amendment.

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JURISDICTIONAL STATEMENT

The jurisdiction of this Court is invoked under Title 28, United States Code, Section 1254(1), 1651 and 1915.

Jurisdiction is also invoked under the Constitution and laws of the United States, including but not limited to the First, Fifth and Fourteenth Amendments and the Freedom of Information Act/Privacy Act, in that the decisions of the lower courts, if permitted to stand, will deprive the petitioner of procedural due process rights, right of freedom of speech and the right of access to information compiled of and about him by agencies of the USA.

The jurisdiction of this Court is also invoked to review the actions of the lower courts, in that they have rendered decisions which if not reversed by this Court will contravene prior decisions of the Court and will invalidate a Congressional intent. Also, the decisions are contrary to decisions of this Court and the other courts of appeals.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment I:

> Congress shall make no law ... abridging the freedom of speech ...; or the right of the people to peaceably ... to petition the Government for a redress of grievances..

United States Constitution, Amendment V:

> Nor shall any person ... be deprived of life, liberty, or property, without due process of law ...

United States Constitution, Amendment XIV:

> Nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

1. The issues presented in this case originated during June-July 1981, when a complaint of attempted extortion was allegedly made against the petitioner (App G). During 1985 another criminal allegation was made against the petitioner (App E; theft of government property). The extortion charge was immediately followed by a "centralizing" of petitioner's charges of unlawful discrimination against certain health care organizattions (App D). It should be noted that since the petitioner's charges were centralized in Washington none of his charges have been processed and/or investigated by the U.S. Department of Health and Human Services (HHS) (App F, H and O). As a result EVERY Title VI complaint presented by the petitioner to a district court has been dismissed for failure to exhaust the required administrative

remedies. See, e.g., App P. See also, Wrenn v. University of Kansas, 561 F Supp 1216 (1983).

2. The petitioner is a well qualified hospital and health care administrator, having received his Master's in Hospital and Health Care Administration from the Medical College of Virginia, following his retirement with over twenty years of service in the U.S. Army. He has also earned the status of Fellow in the American Academy of Medical Administrators. But despite his qualifications he has not been able to obtain employment in his chosen profession since July 1, 1978. See App P.

3. The petitioner, in addition to filing charges with the EEOC and HHS in an effort to bring to an end the nationwide efforts to deny him equal employment opportunity, has asked The Attorney General to assist him (App N). To date he has not

received a response to his plea for help.

4. Likewise the petitioner's efforts to obtain relief by filing complaints in the federal courts to vindicate his rights and/or to receive information under the FOIA, have also proven to be futile. EVERY complaint filed by the petitioner in an effort to obtain documents and records compiled of him by federal agencies (App E,F,G,H and O) has been dismissed at the pre-trial level. NO court has examined ANY agency records to determine whether the documents or records were witheld for a legitimate reason. Moreover, EVERY court considering petitioner's FOIA claims has either threatened to impose sanctions against him (App I and J) OR did impose sanctions in the form of attorney's fees to the defendants in the case (App K,L and M). In the process of threatening to impose sanctions and/or the actual imposition of

sanctions, NO court has issued ANY findings to show why the petitioner's FOIA claims were somehow frivolous. See A, B, C and D.

REASONS FOR GRANTING WRIT

ARGUMENT I: Dismissal of FOIA Claims.

1. The denial of petitioner's FOIA claims contravenes the Constitution and laws of the United States including, but not limited to, the First, Fifth and Fourteenth Amendments and the Congressional intent of the Freedom of Information Act (5 USC 552). Moreover, the issuance of threats and the imposition of sanctions in the form of attorney's fees, are in conflict with the civil Rights Attorney's Fees Award Act and decisions of this Court.

2. 5 USC 552(a) provides in relevant parts that: "(2) Each agency, ... shall make available for public inspection and copying (A) final opinions, including concurring and

dissenting opinions, as well as orders, made in the adjudication of cases;". HHS has violated this provision by not making available the documents requested by the petitioner (App E,F,G,H and O).

3. 5 USC 552(a)(2)(C) provides that: "Each agency, ... shall make available for public inspection and copying administrative staff manuals and instructions to staff that affect a member of the public; unless the materials are promptly published and copies offered for sale."

Appendix H clearly demonstrates how HHS has violated these provisions by, among other things, the special handling of petitioner's charges, failure to inform him of the special handling and the basis for the special handling, and then denying the existence of such special handling AND denying him information under the FOIA.

4. 5 USC 552(c)(2) provides that: "Whenever informant records maintained by a criminal law enforcement agency under an informant's

> name or personal identifier are requested by a third party according to the informant's name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed."

Petitioner's App G is a clear demonstration of his efforts to obtain information regarding the HHS/OIG/FBI informant(s). HHS has offered no evidence to demonstrate that the informant(s) who made the allegation that the petitioner extorted and/or attempted to extort money from health care organizations had "been officially confirmed" as an informant and is therefore eligible for the protection of being an "official informant."

5. Based upon the foregoing, the respondent's attempt to invoke Exemption

7(C) should have been denied. The courts should have denied the request on the ground that: (1) the petitioner is not seeking the name of an individual in a law enforcement file but rather the name of the institution which the individual was representing, and (2) whether he had filed a complaint of discrimination against the institution(s), and if so what was the disposition of the complaint. Also, the protection against "mandatory disclosure of records or information" does not preclude courts from ordering the disclosure of same. Moreover, HHS has not demonstrated: (1) that the information was compiled for law enforcement purposes rather than a vendetta against the petitioner for his criticism of HHS regarding inadequate health care for minorities and disadvantaged citizens, and (2) that the disclosure of the informaiton would constitute an unwarranted invasion of personal privacy. In that connection, the

facts in this case clearly demonstrate a clear and unrefuted invasion of the petitioner's personal privacy (the nation-wide disclosure that he was the subject of a law enforcement investigation), in violation of the Privacy Act. See App G. See also, Britt v. Naval Investigative Service (CA 3rd Cir), Docket No 88-1710, September 14, 1989, 58 LW 2181; Washington Post Co. v. U.S. Dept. of Justice (CA DC 1988) 83 F.2d 96.

6. Based on the foregoing HHS has not sustained its burden of justifying its action to deny the petitioner various records compiled of him. The lower courts committed a reversible error by not reviewing the case to "balance the public interest in disclosure against the interest Congress intended the Exemption to protect." See, Dunkelberger v. Dept. of Justice, (DC Cir. 1990) Docket No 88-5356, page 5, citing

U.S. Dept. of Justice v. Reporters Committee for Freedom of the Press, 109 S. Ct. 1468 (1989).

ARGUMENT II. Imposition of Sanctions

7. The lower courts' decision to impose sanctions in the form of attorney's fees was a clear abuse of discretion. In addition, the decision is in conflict with Doe v. Busbee, (CA GA 1982), 684 F.2d 1375, where the court held that "Attorney's fees may be awarded under Civil Rights Attorney's Fees Award to prevailing defendants only if plaintiff's claim was frivolous, unreasonable or without foundation." This Court similarly held in Christianburg Garment Co. v. EEOC. 434 U.S. 412, 423, 98 S.Ct. 694, 701, 54 L.Ed.2d 648 (1978), that such an award (attorney's fees) must be based on a finding that the plaintiff's charge was "frivolous, unreasonable or without foundation." The court of appeals

rendered no "findings" in the case while imposing the fine against the petitioner allegedly for filing a "frivolous appeal."

8. The imposition of sanctions by the court of appeals was not made on the basis of any facts and/or pleadings but rather was the result of a pattern of unwarranted adverse action against the petitioner by the court of appeals. It is unrefuted that the petitioner requested information under the FOIA, exhausted the required administrative remedies, and filed complaints against HHS and others (App L and M). The court of appeals offered no explanation for the sanctions and/or reasons for denying the appeal, other than to say the appeal was frivolous. In order to be awarded attorney's fees under 42 USC 1988, the defendant would have to succeed on "any significant issue." This did not occur in this case because the claims were either dismissed at the pre-trial level or the

petition for writ of mandamus was denied. In the absence of the defendants succeeding on any significant issue, attorney's fees should not have been awarded. See, e.g., State Teachers Assoc. v. Garland Independent School District, Sup Ct Case No 87-1759 (Mar 1989), Cert to 5th CA

6. The district court's decision (App L) to dismiss petitioner's FOIA claims without examining the contents of the agencies' records is contrary to decisions of this court. Although the law places the burden on the agency to sustain its action in denying the records under the FOIA, the lower courts did not require any such showing. Instead the courts dismissed the petitioner's FOIA claims. The decisions are contrary to this Court's decision in U. S. Dept. of Justice v. Reporters, Cert, to CA DC, Sup Ct Case No 87-1379 (Mar 1989) where the Court held "... the FOIA expressly places the burden "on the agency to sustain

its action" and directs the district court to "determine the matter de novo." Such was not done in this case, instead of reviewing and/or determining the matter de novo the courts went to great length to label the petitioner as the "wrongdoer" for requesting information under the FOIA.

7. The foregoing facts demonstrate a pattern or practice of the lower courts to go to great length to deny the petitioner information under the FOIA, especially Appendix G. The petitioner has been trying for ten years to obtain the documents, files, records and things compiled by the OIG/HHS/FBI in conducting the investigation concerning the allegation that he extorted and/or attempted to extort money from health care organizations. Moreover, he has been trying to determine whether an allegation was made and if so did HHS investigate and/or process the charge of discrimination made by the petitioner. This important and necessary information has been denied.

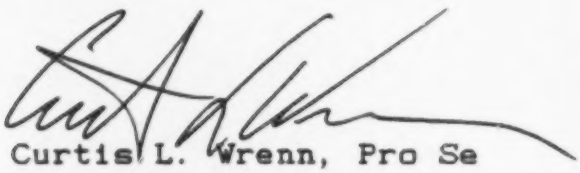
CONCLUSION

The foregoing facts and arguments demonstrate that the decisions of the Second Circuit Court of Appeals are in conflict with this Court and the other courts of appeals. Moreover, this case presents a clear example of how the Second Circuit has conducted a pattern and practice of depriving the petitioner of rights secured to him by the Constitution and laws of the United States, including, but not limited to, the First and Fourteenth Amendments and the FOIA. This Court is asked to bring to an end the continuing threats, imposition of sanctions and other forms of deprivation of constitutional rights by the Second Circuit.

Accordingly, the decisions should be reversed and the case remanded to the court of appeals with the specific requirements that a hearing be conducted to determine and outline specifically how it determined that this FOIA appeal was somehow frivolous.

The Court of Appeals should also be required to show and/or explain and/or justify the pattern of threats made against the petitioner in every other FOIA appeal which he submitted. The threats should either be justified on the basis of facts or the they should be discontinued.

Respectfully submitted,



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IN THE

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OCTOBER TERM, 1990

NO_____

CURTIS L. WRENN
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Fort Drum, NY 13603,

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vs

UNITED STATES OF AMERICA, ET AL.,

Respondents.

PETITIONER'S APPENDIXES

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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United States Court of Appeals
For The
Second Circuit

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the twentieth day of May, one thousand nine hundred and ninety-one.

IN RE: CURTIS WRENN DOCKET NO. 91-3015

A petition for rehearing containing a suggestion that the action be reheard in banc having been filed herein by appellant pro se, Curtis L. Wrenn.

Upon consideration by the panel that decided the appeal, it is

Ordered that said petition for rehearing is DENIED.

It is further noted that the suggestion for rehearing in banc has been transmitted to the judges of the court in regular active service and to any other judge that heard the appeal and that no such judge has requested that a vote be taken thereon.

/s/
ELAINE B. GOLDSMITH
Clerk

APPENDIX B
Pages 1 of 2 Pages

United States Court of Appeals
For The
Second Circuit

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the twenty-eighth day of March one thousand nine hundred and ninety-one.

In Re: Curtis Wrenn,

Petitioner-Appellant Docket No.

91-3015

A motion having been made herein by the appellant pro se

Petition for a Writ of Mandamus.

Upon consideration thereof, it is

Ordered that said motion be and it hereby is DENIED.

JLO WHT ALK

/s/
JAMES L. OAKES,
Chief Judge

/s/
WILLIAM H. TIMBER,

/s/
AMALYA L. KEARSE,
Circuit Judges

APPENDIX C
Page 1 of 23 Pages

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

CURTIS L. WRENN
P. O. Box 203
Fort Drum, NY 13603,

Petitioner,

RE: Curtis L. Wrenn v. U.S. Equal Employment Opportunity Commission, Docket 89-CV-315, USDC ND NY; CCA 90-6097

PETITION FOR WRIT OF MANDAMUS

COMES NOW the petitioner to respectfully ask this Honorable Court, pursuant to Rule 21(c) of the Federal Rules of Appellate Procedure, to issue a Writ of Mandamus and an order directing the United States District Court for the Northern District of New York to reopen the above captioned case regarding the petitioner's claims against the EEOC. As grounds for this extraordinary request, the petitioner asks the court to consider the following:

1. This court's recent decision in Docket No 90-6089, November 16, 1990 where the court states the following at page 9 of its decision: "Wrenn was thus obliged to exhaust administrative proceedings

before filing a civil action under Title VII" ... and "We believe that Wrenn, having initiated administrative proceedings on his ADEA claim, was thus obliged to exhaust such proceedings before filing a civil action under the ADEA."

2. Since at least May 1978 the petitioner has been trying, without success, to have the EEOC comply with the provisions of Sec 706(b) of The EEOC Act which provides that "Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, ..., alleging that an employer ... has engaged in an unlawful employment practice, the commission ... shall make an investigation thereof."

3. The petitioner has experienced severe difficulties with the EEOC. More specifically, numerous charges of employment discrimination have been lost, wilfully destroyed or not processed. As a proximate result, the petitioner has been denied certain rights and privileges.

4. In an attempt to have the EEOC enforce The EEOC Act by having the VA to process a charge of employment discrimination pending since November

1981, the petitioner on September 21, 1988 asked Chairman Thomas and Senator D'Amato to assist him in having the charge processed so that he could demonstrate that he had exhausted the required administrative remedies. Instead of responding in a positive fashion by indicating that action it would take, the EEOC retaliated against the petitioner by informing Senator D'Amoto that "Mr. Wrenn has filed approximately 326 charges ..." a clear violation of Sec 706(b) of The EEOC Act which provides that "Charges shall not be made public by the Commission." This is the second known EEOC violation.

5. In further support of this request to reopen the claims against the EEOC, the petitioner submits that the issues which he previously complained of against that agency, including but not limited to concerted action by it to deprive him of rights, privileges and immunities secured to all citizens of the United States, have not been resolved, but are continuing in nature. The primary problems which continue to plague the plaintiff is

the apparent willful unlawful destruction by the EEOC of this investigative files pertaining to charges of discrimination filed by the petitioner AFTER he files a request for a copy pursuant to the Freedom of Information Act (FOIA). In addition, charges are lost or mysteriously disappear. also, the petitioner has been denied his statutory Notice of Right to Sue. As a result of the actions and/or inactions of the EEOC the petitioner has been deprived of documents needed to pursue his claims in the federal courts. The court's attention is invited to the following exhibits, which are incorporated herein expressly by reference:

Exhibit 1 - File destroyed AFTER FOIA request was made and while the lawsuit is still pending. See Wrenn v. NYS OMH, 82 CV 3606 (CES) USDC SD NY.

Exhibit 2 - File destroyed AFTER FOIA request was made and while the lawsuit was still pending. See Wrenn v. Whitney M. Young, Jr. Health Center, et al., 85 CV 1096 CA Docket No 89-7449, March

30, 1990.

Exhibit 3 - Files destroyed apparently after the petitioner requested Senator D'Amoto to assist him AND after he filed his FOIA request.

Exhibit 4 - In response to petitioner's FOIA requests the EEOC has alleged that "we are unable to locate said charge file."

Exhibit 5 - correspondence to Senator d'Amoto; EEOC's retaliation alleging the plaintiff filed over 326 charges (during more than a ten year period in which he has been denied employment for over two thousand jobs and has since July 1, 1978 been deprived of employment in his chosen profession of hospital and health care administration); and petitioner's request for information under the FOIA concerning the 326 charges has been denied.

Exhibit 6 - Page 9 of Docket No. 90-6089, Wrenn v. VA. November 16, 1990.

Exhibit 7 - Petitioner's charge against the University Maryland alleging "institutionalized practice of paying Blacks and females less than white males ..." and "denial of due process". Page 5.

Exhibit 7A- EEOC's Determination on Appeal Petition where the EEOC states at page 3 "Since the Charging Party filed his charge more than a year after notice that he would be denied tenure and not received a new contract ..." The EEOC has denied the petitioner's FOIA request for the basis for this untrue statement. Also, the EEOC states on the same page that "Further, a letter from Charging Party to his former employer shows that he protested the action as retaliatory ..." Despite this

acknowledgement, the EEOC refused to provide the petitioner with a statement that he had exhausted the required administrative remedies in connection with his charge of retaliation.

Exhibit 7B- The EEOC's Determination which denied the petitioner's charge of retaliation.

Exhibit 7C- The USDC Order of Dismissal, as a result of the failure to act by the EEOC.

Exhibit 7D- The denial by the EEOC of information which would support the petitioner's claims in the federal courts. See esp page 2.

Exhibit 7E- The EEOC has denied petitioner the right to exhaust his administrative remedies.

Exhibit 8 - Two Examples of where the EEOC has refused the petitioner's request for a Notice of Right to Sue, thus

depriving him of his right to seek redress.

Exhibit 9 - The EEOC has denied the petitioner the opportunity to exhaust his required administrative remedies.

Exhibit 10- The EEOC's invasion of petitioner's privacy and violation of the Privacy Act by disclosing his charge filing activities WITHOUT his permission.

Exhibit 11- The EEOC's second invasion of petitioner's privacy and violation of the Privacy Act by the unauthorized disclosure of the petitioner's charge filing activities.

Exhibit 12- Petitioner's complaints against and about the actions and/or inactions of the EEOC.

Exhibit 13- The EEOC informing Senator Moynihan that it had instructed its staff not to respond to any more inquiries from or about Mr. Wrenn, and other refusals to assist him.

Exhibit 14- In response to the petitioner FOIA request and while his appeal was pending, the EEOC destroyed the file. The file was destroyed despite the fact the case was still pending in the federal courts. See page 14 where it is clear that the EEOC's policy is "case files that are a subject of a court action is preserved until the completion of such court action." See USDC ND NY 85 CV 1096 86 CV 916. See also CA Dockets 86-6025 and 89-7449. The court should also note that the district court denied his requests for discovery and thus he was deprived of documents to prosecute his case.

REASONS FOR GRANTING THE PETITION

I. STATEMENT OF THE FACTS:

1. The pertinent facts and/or decisions and/or actions and/or inactions by the EEOC are demonstrated by the incorporated exhibits.

2. The facts are also demonstrated by the complaint against the EEOC in Civil Action 89-CV-315. The facts of record show that the petitioner filed his complaint against the EEOC in an attempt to have that federal agency comply with Sec 706(b) of The EEOC Act and the FOIA. The case was dismissed allegedly because of a failure to state a cause of action. Petitioner appealed and the appeal was denied. In addition to denying the appeal the court imposed sanctions against the petitioner for $500.00 allegedly because the appeal was frivolous. The court did not discuss the case, the facts or the merits of the case. More importantly the court did not state the basis for its decision that the appeal was frivolous.

II. STATEMENT OF THE ISSUES:

1. Whether a cause of action is stated against

the EEOC when a complainant alleges that the agency has (1) refused to process his charges of employment discrimination against federal, public and private employers (Sec 706(b) of The EEOC Act); (2) invaded his privacy, in violation of the Privacy Act and The EEOC Act, by disclosing information to third parties regarding the petitioner's charge filing activities; and (3) that the agency refused to provide information requested under the FOIA.

2. Whether the pattern and practices of the EEOC against petitioner in denying him the right to seek legal redress against employers who have denied him equal employment opportunity, constitute a "cause of action" within the meaning of Rule 12b(6) of the FRCP and grant jurisdiction under Rule 12b(2).

3. Whether the district court abused its discretion when it dismissed the petitioner's claims against the EEOC.

4. Whether this court abused its discretion when it denied the petitioner's appeal. Also, whether the court abused its discretion when it

imposed sanctions in the form of attorney fees on the petitioner for filing the appeal, without discussing the basis for saying the appeal was frivolous.

III. LEGAL ARGUMENTS FOR GRANTING THE PETITION:

1. This court correctly noted in Docket No. 90-6089 (Ex 6) that a complainant is required to exhaust his administrative remedies before pursuing a claim in the district court. The court, however, failed to mention the cases previously before it involving this petitioner in which the responsible federal agency refused to process administrative complaints, and thus depriving the petitioner of the right to pursue his claims in the district court. A few examples:

a. 85-CV-1096 (CA Docket Nos 86-6025 and 89-7449) where this court upheld the district court's refusal to direct the EEOC and DHHS to process the petitioner's charges of discrimination, and thus depriving him of the opportunity to demonstrate that he had exhausted the required administrative remedies. This case is also noted

for the courts' refusal to require DHHS to provide information requested under the FOIA. The case is also noted for the fact that the district court also denied the petitioner's discovery requests, thus depriving him of the opportunity to properly prosecute his case.

b. CA Docket No 87-6157 where this court upheld the district court's determination that it did not have venue and/or jurisdiction to rule on the merits of the petitioner's FOIA request and/or his request to have DHHS process his charges of discrimination. This court also upheld the district court's decision to impose sanction and award attorney fees allegedly because the petitioner claims were attempts to harass the defendants.

c. 86-CV-916 (CA Docket No 87-6121), where this court upheld the district court's denial of petitioner's request for information regarding a criminal allegation made against him by DHHS. Despite repeated requests by the petitioner EVERY court considering the FOIA has steadfastly refused to even consider the merits of the FOIA request.

This court also upheld the district court's refusal to direct DHHS to investigate the petitioner's charges so he could demonstrate that he exhausted the required Title VI administrative remedies. See Exhibit 7C. See also Docket No 87-6157.

2. The foregoing is submitted to demonstrate that this court's action in Docket No 90-6089 is another example of the court taking unwarranted punitive action against the petitioner for attempting to obtain redress for the many wrongs visited upon him by the EEOC and other federal agencies, and private and public employers since at least July 1978. The case at bar is noted for the fact that the district court denied sanctions and this court, apparently on its own motion, imposed sanctions WITHOUT discussing how the petitioner's request for the EEOC to do what Congress has mandated it to do is somehow a frivolous claim.

3. The EEOC's refusal to process the petitioner's charges and/or to provide him with the statutory Notice of Right to Sue should not be condoned by this court. The EEOC has demonstrated a

clear pattern or practice of denying the petitioner the right to seek legal redress by, among other things, implementing regulations and/or practices to single out the petitioner for disparate treatment, such as not providing him with the requested Notice of Right to Sue in cases filed more than 180 days before the request was made. Petitioner submits that the action and/or inaction of the EEOC is a clear violation of the Civil Rights Act of 1964, as amended. See, e.g., Mohasco Corporation v. Silver, 447 US 807, 65 L Ed 532, 100 S Ct 2486 (1980) where the court noted: "The Equal Employment Opportunity Commission cannot adopt regulations that are inconsistent with its statutory mandate under the Civil Rights Act of 1964 ..." See also Exhibits 1,2,7A,7B,7D,7E, and 8-10.

4. The disclosure by the EEOC of petitioner's charge filings to third parties (Exhibits 10 and 11) constitute a clear invasion of the petitioner's privacy AND a clear violation of the Privacy Act and The EEOC Act. Thus, these disclosures present a serious question regarding whether or not in the

absence of a subpoena duces tecum the EEOC violated and/or unlawfully invaded the plaintiff's privacy by disclosing unsolicited information to Senator D'Amoto and others, which it neither was requested to disclose nor had a right or authority to disclose. See, e.g., 5 USC 552a(b) which precludes the disclosure of any records in a system of records without the written consent of the subject of the records. See, also Britt v. Naval Investigative Service (CA 3, September 14, 1989) No 88-1710, 58 LW 1051; O'Donnell v. U.S. (CA 3, December 15, 1989), No 89-1363, 58 LW 2384; and Whalen v. Roe, 429 U.S. 589 (1977).

5. The exhibits in this case clearly demonstrate that the EEOC has contravened the constitutional guarantee of equal treatment, in that charges filed by the petitioner are not processed in the same manner as those of other individual complainants. In addition, the petitioner's FOIA requests are handled differently by the various EEOC District Offices AND different from how other individual requests are handled. See, e.g., Young

v. Pierce (DC Tex 1982), 544 F. Supp 1010 where the court held "To extent a plaintiff asserts that federal agency is violating terms of a federal statute by abdicating affirmative duty to eliminate discrimination, action is properly brought against agency; in such circumstance, agency is a partner in discrimination, and may be held responsible for such complicity." Accordingly, the facts in this case demonstrate that the EEOC has violated the Administrative Procedure Act by refusing to timely process complaints of unlawful discrimination filed by the petitioner (Exhibits 7-7E, 8 and 9). See, e.g., Doran v. Salem Inn, Inc. 422 US 922, 931, 95 S Ct 2561, 45 L ed2d 648 (1975).

6. The denial by the EEOC of information under the FOIA, esp. Exhibits 7-7E, is a clear violation of the FOIA (5 USC 552(a)(4)B). The EEOC in the Maryland's case made unsupported disparaging remarks and statements concerning the petitioner without any facts to support its allegation. This court is being asked not to continue condoning the withholding of information from the petitioner by

the EEOC, but to "determine the matter de novo" and determine WHY the EEOC and other federal agencies have covered up their activities against the petitioner by denying him the information he would need to prosecute actions against them and others. See, e.g., U. S. Dept. of Justice v. Reporters, Cert. to CA DC, Sup Ct Case No 87-1379 (Mar 1989). The questions the court is being asked to decide: (1) whether the EEOC had information in the Maryland case to support its statements at page 2 of Exhibit 7D, (2) if the EEOC had such information, then was it unlawfully withheld from the petitioner, and (3) if the EEOC did not have such information, why did it make the unsupported allegations, and more importantly why it has not just acknowledged that the statements were unsupported. Also, the court is being asked to determine, under the FOIA, the disposition of the petitioner's retaliation claim by the EEOC in the Maryland case.

7. This court's previous decision in Docket No 90-6097, especially its imposition of sanctions against the petitioner, should be revoked. The

court cited no facts and/or acts by the petitioner which could characterize his civil action against the EEOC as "frivolous" and/or without foundation. Moreover, the court did not cite any facts or examples to show that the petitioner's complaint against the EEOC was not grounded in fact or was not legally tenable, or that the complaint was baseless. All the court did was state the complaint was "frivolous" without citing ANY facts or basis for its statement. The petitioner is not aware of any case involving him that this court has rendered a decision, pursuant to Federal Rules of appellate Procedure 38, that it had "determined that the appeal was frivolous." Moreover, the court has not refuted the petitioner's contention that his complaint against the EEOC was "well grounded in fact and is warranted by existing law or a good faith argument for the extension, modifications, or reversal of existing law, ..." which is the heart of Rule 11. The petitioner submits that he has fully complied with the central purpose and duty imposed by Rule 11, in that he has "conducted a reasonable

inquiry and has determined that any papers filed with the court are well-grounded in fact, legally tenable, and "not interposed for any improper purpose". See, e.g., Cooter & Gell v Hartmarx Corp., US Sup Ct Docket No 88-275, decided June 11, 1990. The court is asked to review the Exhibits and determine whether this lawsuit was initiated AFTER conducting reasonable inquiry. Other additional reasons this court should reconsider its decision:

a. An award of attorney's fees to the defendants in this case is not justified, primarily because there has been no showing by this court, the district court or the defendants that the petitioner's claim "was frivolous, unreasonable, or groundless, or that the plaintiff continued to litigate after it clearly became so." Christiansburg Garment Co. v. EEOC, 434 U.S. 412, 423, 98 s. Ct. 694, 701, 54 L.Ed.2d 648 (1978).

b. Rule 11 provides in pertinent parts that:

> "The signature of an attorney or party constitute a certificate by the signer that the signer has read the pleading, motion, or other paper; that to the best of the signer's knowledge,

> information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law OR (emphasis added) a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation."

Accordingly, the decision should be reversed in this case in the same manner and for reasons similar to the Supreme Court's reversal of another Rule 11 sanction decision of this court. See, Pavelic & LeFlore v. Marvel Entertainment Group, No 88-791, The United States Law Week, vol 58, No. 22 58 LW 4038-4040.

8. should the court not be inclined to reopen this case and/or to revoke its earlier decision, the petitioner respectfully ask the court to "discuss the specific information that forms the basis of the plaintiff's suit and explain why this information does not constitute adequate factual substance for the commencement of a nonfrivolous case ...". See, e.g., Hermes v. Hein, 742 F.2d 350, 357 (7th Cir. 1984).

CONCLUSION

Based upon the foregoing the court should reopen this case and review the activities of the EEOC. The facts in the case demonstrate that the petitioner has submitted more than adequate evidence to show that the EEOC has denied him, among other things, the equal protection afforded by Title VII because of his race and because he has opposed employment practices made unlawful by the Constitution and laws of the United States, and because he has complained of the manner in which the EEOC processes and/or refused to process his charges of employment discrimination. See, e.g., A & A Concrete, Inc. v. White Mountain Apache Tribe (CA Ariz 1982), 676 F.2d 1330.

Respectfully submitted,

/s/
Curtis L. Wrenn, Pro Se
P.O. Box 203
Fort Drum, NY 13603
Tel: (315) 772-6102

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Petition for Writ of Mandamus was mailed to Hon. Con. G.

Cholakis, United States District Judge, 445 Broadway, Albany, NY 12207, and the United States Attorney, 445 Broadway, Albany, NY 12207, this 12th day of January, 1991, via U. S. mail postage prepaid.

/s/Curtis L. Wrenn

APPENDIX D
Page 1 of 3 Pages

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

IN RE: CURTIS L. WRENN

91-3015

PETITION FOR REHEARING AND/OR IN BANC CONSIDERATION

COMES NOW the petitioner to ask the court to reconsider its decision of March 28, 1991, on the grounds that the court has misapprehended the facts in the case and/or misapplied the laws governing the granting and/or denial of information under the FOIA/PA, and/or intentionally denied the petition for writ of mandamus because of the petitioner's race (Negroid) and/or in retaliation for his previous appeals of the denial his FOIA requests.

This court has demonstrated a clear pattern or practice of denying EVERY request for information under the FOIA/PA submitted by this petitioner WITHOUT providing ANY explanation for its action. That is, this is one of at least four requests for information under the FOIA/PA which this court has denied without providing the basis for its denial.

The court's action in this case demonstrates a blatant malicious denial of petitioner's rights under the constitution and laws of the United States SOLELY because he is a Negroid person who exercised his First Amendment rights. This is supported by the fact that this court refused to respond to the essence of this petition for mandamus at p8:

> "It must be noted at the outset that this petition is another attempt ... to determine why is it that EVERY action taken by this court to impose sanctions, intimidate, threaten and harass him resulted from his efforts to obtain information under the FOIA/PA from three federal agencies ..." Thus the petitioner is compelled to ask ..." "Why is there such an unparalleled effort by this court to deny him access to public information AND to punish him for requesting such?"

In summary, the continuing unlawful action of this, or ANY other court, to deny the petitioner information under the FOIA/PA should not be condoned. It should be noted that EVERY request submitted by the petitioner has been denied without explanation. The denials of the petitioner's requests under the FOIA not only violate 5 USC 552(a) but more importantly the decisions convene decisions of the Supreme Court. See, e.g., U.S.

Dept. of Justice v. Reporters, Cert. to CA DC, Sup Ct Case No 87-1379 (Mar 1989).

Respectfully submitted,

/s/
Curtis L. Wrenn, Pro Se
P.O. Box 203
Fort Drum, NY 13603
Tel: (315) 772-4025

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to Judge McCurn and Judge Munson, 100 South Clinton Street, Syracuse, NY 13260, and the U.S. Attorney, 445 Broadway, Albany, NY 12207, this 4th day of April, 1991.

/s/Curtis L. Wrenn

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

October 9, 1986

RE: Investigation of
Curtis L. Wrenn

Director, Albany FBI
United States P.O. & Courthouse
ATTN: Mr. Stollmeyer
Albany, NY 12201

Dear Mr. Stollmeyer:

Please accept this as a follow up to our recent conversation regarding an investigation of me conducted by the FBI and the Office of the Inspector General of the U. S. Department of Health and Human Services. A copy of that Report of Investigation (Case Title: Wrenn, Curtis L. and File No: KC-48-0-13) is attached as Appendix "A" as part of my letter of October 4, 1986 to the Director, Federal Bureau of Investigation.

In that connection, the purpose of this letter is to request that your office provide me, pursuant to the Freedom of Information Act (5 USC Section 552),

with a copy of any and all documents, records, communications, tape recordings, and letters, of whatever kind or nature, provided and/or received in connection with the investigation previously cited AND/OR any other investigation and/or reviews and/or background checks of Curtis L. Wrenn.

The following information is submitted to assist you:

Name: Curtis Lee Wrenn
Date of Birth: February 14, 1930
Place of Birth: Emille, Sumter County, Alabama
Armed Forces: Served in the U.S. Army from Nov. 15, 1950 to Nov. 30, 1970.
Residents during period: 930 South Detroit Avenue, Toledo, OH; 76 Birckhead Place, Toledo during the period December 80 to December 83; RD 1 Box 218 Nassau, NY since January 1984.

Please feel free to contact me should you need additional information or if you have questions.

Very truly yours,

/s/Curtis L. Wrenn

U.S. Department of Justice

Federal Bureau of
Investigation

---

502 USPO & Courthouse
Albany, New York 12201-1219

October 24, 1986

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

With regards to our letter to you dated October 10, 1986, the Albany Office of the Federal Bureau of Investigation conducted a search of the Albany's FBI central records system along with Albany's Electronic Surveillance Index (ELSUR) concerning your Freedom of Information/Privacy Acts request.

This search located one main file pursuant to your request. This main file consists of three documents totaling four pages. Two documents consisting of two pages originated with the United States Department of Health and Human Services, which has been referred to that agency and they will correspond directly with you.

One other document consisting of two pages is being withheld in its entirety in order to protect materials which are exempted from disclosure by the following sub section of Title 5, United States Code, Section 552: 552a:

(j)(2) Material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control or reduce crime or apprehend criminals, except records of arrest.

(b)(7) Investigatory records compiled for law enforcement purposes, the disclosure of which would: (C) constitute an unwarranted invasion of the personal privacy of another person; (D) reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source.

If you desire, you may submit an appeal from any denial contained herein. Appeals should be directed in writing to the Assistant Attorney Genera, Office of Legal Policy (Attention: Office of Information and Privacy, United States Department

of Justice, Washington, D.C. 20530), within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or Information Appeal". Please cite the name of the office to which your original request was directed.

Very truly yours,

WAYNE R. ALFORD
Special Agent in Charge

By:

/s/
ROGER M. CLANCY
Supervisory Special Agent

DEPARTMENT OF HEALTH & HUMAN SERVICES

Washington, D.C. 20201

RE: Case #86-594

November 18, 1986

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

This is in response to your October 30 request for the information provided this Department by the Federal Bureau of Investigation (FBI) in albany regarding your request to them for any investigative records concerning you.

Enclosed are the two pages forwarded to us by the FBI for our determination.

In this instance, I have determined to waive fees in accordance with Section 5.63 of the Department's Public Information Regulation.

Sincerely yours,

/s/
Carl C. Coleman,
Deputy Director
FOIA/Privacy Act Division
Office of Public Affairs

Enclosures

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

November 28, 1986

RE: Wrenn, Curtis
File #2-85-01040-4

Special Agent in Charge
Federal Bureau of Investigation
U.S. Post Office & Courthouse, Room 502
Albany, NY 12201

Dear Sir:

Pursuant to the Freedom of Information Act (5 USC 552), please provide me with a copy of any and all documents of whatever kind or nature compiled by the FBI in connection with the above investigation.

In that connection, for the purpose of this request the term "documents" includes but is not limited to any written request and/or statement from Bernard Passer or Region II of the U. S. Department of Health and Human Services and/or requests Directors of Whitney M. YOung, Jr. Health Center, Inc.; results of any and all interviews with persons conducted by your office; notes compiled by your office in connection with telephone conversations intercepted; any and all affidavits and/or

statements made by members of the Board of Directors of the Whitney M. Young, Jr. Health Center, Inc.; and the documented results of your investigation, including but not limited to the findings, conclusions, recommendations and/or proposed course of action.

Please expedite your reply. The urgency of this matter relates to the fact that I have been unemployed since July 24, 1985 in my chosen profession of hospital and health care administration, and STRONGLY believe it is directly related to a conspiracy by Bernard Passer and other employees of the U. S. Department of Health and Human Services, acting in concert with public and private employers, to prevent my employment as an Administrator in my chosen profession of hospital and health care administration.

Very truly yours,

/s/
Curtis L. Wrenn

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JAN 22 1986

Special Agent in Charge
Federal Bureau of Investigation
U.S. Post Office & Courthouse, Room 502
Albany, NY 12201

RE: Wrenn, Curtis
File #2-85-01040-4

Dear Sir:

Enclosed is the Investigative Memorandum from the Office of Inspector Genera, U.S. Department of Health & Human Services concerning CURTIS WRENN. This case is being referred to your office for your determination and whatever action you deem appropriate. Please advise this office of your action.

If this office can be of assistance, please contact Special Agent STEPHEN F. LaTOUR at (212) 264-1691.

Sincerely yours,

/s/RC/for
Paul F. Conroy
Regional Inspector

General for
Investigations

Enclosure
LATOUR/td
1/7/86

WRENN, CURTIS
Albany, New York
Public Health Service
Theft of Government Property
2-85-01040-4

JAN 22 1986

The Office of Inspector General (OIG), U.S. Department of Health and Human Services received a complaint on August 27, 1985 from BERNARD PASSER, Public Health Service (PHS), Director of Division of Health Services relating to possible theft of government property.

The WHITNEY YOUNG CENTER in Albany, New York receives an annual grant in access of a million dollars from PHS under Section 330 of the PHS Act and additional funds through the Medicare and Medicaid programs to provide medical care on an outpatient basis to poor people.

CURTIS WRENN, the Chief Executive Officer of the WHITNEY YOUNG CENTER, was suspended this summer and subsequently terminated. After he was suspended, he removed everything from his office including the contents of several file cabinets.

Additional information may be obtained from Dr.

VIVIAN CHANG, PHS, Regional Health Administrator at (212) 264-2561.

U.S. Department of Justice

Office of Legal Policy

Office of Information and Privacy

Washington, D.C. 20530

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Re: Appeal No. 86-1619
RLH:CJS:PAK

Dear Mr. Wrenn:

You appealed from the action of the Albany Field Office of the Federal Bureau of Investigation on your request for access to records pertaining to yourself.

As a result of discussions between Bureau personnel and members of my staff, a supplemental release of two pages is enclosed. In light of this fact and after careful consideration of your appeal, I have otherwise decided to affirm the action in this case. You are the subject of one Albany Field Office main file -- Theft of Government Property. Certain information was properly withheld from you pursuant to 5 U.S.C. 552(b)(7)(C) and (7)(D). These

provisions pertain to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to, respectively, constitute an unwarranted invasion of the personal privacy of third parties and disclose the identity of a confidential source and/or information furnished by that source. Only the names of Bureau agents and government personnel were excised on the basis of 5 U.S.C. 552(b)(7)(C). None of the information being withheld is appropriate for discretionary release.

Judicial review of my action on this appeal is available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, or in the Northern District of New York, which is where the records you seek are located.

Sincerely,

Richard L. Huff, Co-Director
Office of Information and
Privacy

Enclosures

APPENDIX F
Page 1 of 8 Pages

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

October 28, 1985

RE: Freedom of Information Act

The Honorable Margaret M. Heckler, Secretary
U. S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Heckler:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552, this is to respectfully request that you provide me with a copy of the file pertaining to the investigation of my charge of unlawful employment discrimination. In each case the charge was either filed with your predecessor, the U. S. Department of Health, Education and Welfare (HEW), or with you. Specifically, please provide me with a copy of your investigative file pertaining to the charge of employment discrimination filed against the following employers:

Christian Hospital, St Louis, MO (Charge 07780026 and 07813043)

Medical College of Ohio, Toledo, OH (Charge unknown)
University of Maryland Hospital, Baltimore, MD (03853014)
Holland Community Hospital, Holland, MI (05823112)
NYC Health & Hospital Corp., NYC (82-3090)
Ohio Department of Mental Health, Columbus, OH (Charge number unknown)
Marion General Hospital, Marion, OH (Charge unknown)
NYS Office of Mental Health, Albany, NY (Charge number unknown)
NYS Department of Health, Albany, NY (Charge number unk)
Cordelia Martin Health Center, Toledo, OH (Charge unknown)
Lima State Hospital, Lima, OH (Charge number unknown)
Vanderbilt University Hospital, Nashville, TN (Charge Number unknown)
St Charles Hospital, Toledo, OH (Charge number unknown)

Please review each of the above charge of unlawful employment discrimination (violation of Title VI) and provide me with any and all information and/or data compiled in connection with the investigation conducted by either HEW or DHSS. For the purpose of this request "information and/or data compiled" includes but is not limited to any such compiled by officers, agents and/or employees of HEW, DHSS, and any such received by DHSS or HEW from individuals, employers, The U.S. Departments of Justice and

Education, and the U. S. Equal Employment Opportunity Commission. Moreover, the "information and/or data compiled" includes notes, mechanical recordings, and internal documents used to review the charges, rules and regulations used in determining how and when the charge would be processed, and the findings, conclusions, and recommendations made in each charge. Also, any documents provided complainant or the employer to show the final disposition of the charge and proof that complainant had exhausted the administrative requirements of Title VI of the Civil Rights Act of 1964, as amended.

Your office has previously acknowledged receiving each of the above referenced charges. Since each charge filed by me has been centralized in Washington, D.C., this is to respectfully request that the information requested be provided as required by the Freedom of Information Act.

Thank you for your prompt attention to this matter.

Very truly yours,

/s/Curtis L. Wrenn

CERTIFIED MAIL P157139112

DEPARTMENT OF HEALTH & HUMAN SERVICES

Washington, D.C. 20201

RE: Case #85-552

March 31, 1986

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

This is in response to your October 28, 1985 Freedom of Information Act (FOIA) request concerning employment discrimination against 13 hospitals. The Department's policy calls for the fullest responsible disclosure consistent with those requirements of administrative necessity and confidentiality which are recognized by the Freedom of Information Act (FOIA) (5 U.S.C. 552), and the Department's implementing Public Information Regulation (45 CFR 5). Copies of the Act and Regulation are enclosed and referred to below. The material you requested is enclosed. However, I am withholding the documents listed on the enclosed memos, under the following provisions: (1) 5 U.S.C.

552(b)(5) of the Act and under 45 CFR 5.73(a) of the Regulation. Some of this material is internal deliberative matter and release would inhibit the frank and candid debate needed within an agency in order to enhance the decision-making process. Also, some of this material is attorney opinion and advice and is within the attorney client privilege. (2) 5 U.S.C.552(b)(6) of the Act and under 45 CFR 5.71(a) of the Regulation. Release of this type of information would constitute a clearly unwarranted invasion of personal privacy. (3) 5 U.S.C. 552(b)(7)(C) of the Act and under 45 CFR 5.73(b)(3) of the Regulation. These records and data were compiled for law enforcement purposes and disclosure would constitute an unwarranted invasion of personal privacy.

Also, while searching our files we located 5 pages of records which originated in the Department of Justice, 144 pages of records which originated in the Equal Employment Opportunity Commission and 13 pages of records which originated in the Department of Education. We have referred these records to the

above agencies for review. If they raise no objection to release, they will release the records directly to you to save time. The referrals were made to the following addresses for direct reply: U.S. Department of Justice, Civil Rights Division, FOI/PA Officer, Room 7266, Washington, D. C. 20530; Equal Employment Opportunity Commission, Office of General Counsel, Legal Counsel Division, 2401 E Street, N.W., Room 2254, Washington, D. C. 20506; and U. S. Department of Education, Office of Public Affairs, 400 Maryland Avenue, S.W, Room 2089, Washington, D. C. 20202.

No records were located on discrimination in our Department concerning the New York State Department of Health, the Medical College of Ohio, the Christian Hospital, or the St. Charles Hospital. Also according to our records you were sent information concerning Cordelia martin Health Center, April 20, 1984.

I have determined to waive the fee for FOIA services performed by this office in this instance in the public interest.

You, of course, have the right to appeal this decision to deny you full access to records in this agency's possession. Should you wish to do so, you should send your appeal, within 30 days from the date of this letter, to the Assistant Secretary for Management and Budget, Department of Health and Human Services, 200 Independence Avenue, S. W., Washington, D.C. 20201, following the procedures outlined in Subpart G of the enclosed Regulation.

Sincerely yours,

/s/
Russell M. Roberts,
Director
FOIA/Privacy Act Division
Office of Public Affairs

Enclosures

From: Larry Velez, Office for Civil Rights 3/21/86

List of Documents Denied, Curtis Wrenn FOIA Request

University of Maryland Hospital

Denial (exemption 5)

1. Memorandum from Albert Hamlin to Nathan Dick, August 8, 1984.

2. Memorandum from Burton Taylor to Lloyd Henderson, December 15, 1978.

3. Investigative Plan.

4. List of employees terminated from their positions at the hospital

Partial Denial (exemption 7(C))

5. Memorandum from Nathan Dick to Paul Cushing, January 14, 1984.

6. Memorandum from Alice Boyd to Barbara Banks, October 16, 1984.

7. List of exhibits.

8. Schedule of interviews.

9. Summaries of interviews.

Total number of pages: 41

P. O. Box 6144
Toledo, OH 43614

September 30, 1981

The Honorable Ed Weber
United States Congressman
414 N. Erie, Suite 100
Toledo, OH 43624

Dear Mr. Weber:

This is to confirm my meeting with you scheduled for Monday morning, October 5, 1981 at 10:30. Among the subjects I would like to discuss with you are the following:

(1) The enclosed letter to Benjamin Hooks of the NAACP. I am particularly disturbed and incensed by even the thought that my government would investigate me. I need you to confirm the investigation, and to determine who ordered it and why and for what purpose.

(2) My inability to obtain employment in the State of Ohio in any health care facility. This apparently resulted from the

complaints which I filed against the Department of Mental Health, State of Ohio.

(3) The lack of assistance and unresponsiveness of the EEOC District Director in Cleveland. Your attention is invited to the attached letters of August 22 and 24, and numerous other letters sent to your Washington office.

Thank you for your assistance, and I shall look forward to our meeting on Monday morning.

Sincerely,

/s/Curtis L. Wrenn

Enclosure.

P. O. Box 6144
Toledo, OH 43614

September 30, 1981

Mr. Benjamin Hooks, Executive Director
NAACP
1790 Broadway
New York, N. Y. 10019

Dear Mr. Hooks

I recently mailed the attached letter to Congressman Hawkins. Due to an oversight on my part, a copy was not sent to you. A copy should have been mailed to you because you were quite emphatically quoted in the same article.

Since writing to Mr. Hawkins, I have been informed by an impeccable source that I am under investigation by the U. S. Government (department unknown). The reason for the investigation is allegedly because of the "large number" of complaints of racial discrimination I have filed against selected hospitals in America. I hope the Government will eventually inform me so that I can grant the investigators access to my files, which were compiled during the past three years of learning firsthand the magnitude of systemic racial

discrimination which exists in the health care industry of this country.

Thank you for your continued support.

Sincerely,

/s/Curtis L. Wrenn

CC: Congressmen Washington, Stokes and Hawkins

The Honorable Arther S. Fleming

CERTIFIED MAIL P 211 436 439

P. O. Box 6144
Toledo, OH 43614

November 6, 1981

The Honorable Ed Weber
512 Cannon Building
Washington, D. C. 20515

Dear Mr. Weber:

Thank you for your letter of October 29, 1981. As a follow up to your letter and our recent meeting, I would like to take this opportunity to bring you up-to-date on the recent developments in my attempts to solve my problems. You will recall during our meeting I mentioned two major problems which I needed your assistance; namely, my inability to gain employment and that I had learned that I was being "investigated" by the U. S. Government.

I have since learned that the latter (the investigation) may be the cause of the former. In that regard, the investigation is allegedly being conducted by either the Comptroller General or the Comptroller of the Currency. The "reason" given for the investigation is allegedly I have filed complaints of racial discrimination against health

care facilities solely to obtain a cash settlement. Please permit me to state for the record: "I have never received nor have I been offered any money by any person, firm, business, hospital, organization, etc. either as a cash settlement for a lawsuit or an EEOC conciliation".

Mr Weber, please assist me in correcting this despicable act which has apparently been perpetrated by the Government. It appears that my government has, through malicious statements, rumors, suggestions, etc., disparaged my name to such an extent that I have been unsuccessful in my attempts to gain employment. Such action is not only illegal, it is repugnant and is an insult to rational men. Moreover, the action reflects a practice which supposedly had been laid to rest. Finally, please note the attached complaint against

the Veterans Administration Central Office,

Washington, D.C.

Sincerely,

/s/Curtis L. Wrenn

cc: Senators Glenn and
Metzenbaum & Williams, NAACP
Regional Director

Enclosure.

CERTIFIED MAIL P01 6349157

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20343

November 30, 1981

The Honorable Howard Metzenbaum
United States Senate

Dear Senator Metzenbaum:

On November 20, 1981, you referred to our office certain correspondence from Mr. Curtis L. Wrenn of Toledo, Ohio. This correspondence was also referred to other Federal agencies. It was referred to the General Accounting Office because of a reference in a November 6 letter from Mr. Wrenn in which he refers to a possible investigation by the Comptroller General of alleged complaints by Mr. Wrenn of racial discrimination involving health care facilities.

I have informally checked with our Human Resources Division and our Federal Personnel and Compensation Division to determine if we have any reference to such an investigation as Mr. Wrenn's correspondence suggests. I have been advised that we have no record of any investigation involving Mr.

Wrenn which has been brought to my attention by virtue of these inquires.

I regret that we are unable to identify any investigation which would shed light on the reference made by Mr. Wrenn. As requested, the enclosures are being returned.

Sincerely yours,

/s/Martin J. Fitzgerald
Director, Office of
Congressional Relations

Enclosures

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

August 12, 1985

The Honorable Margaret M. Heckler, Secretary
U. S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Heckler:

Enclosed please find letter of July 24, 1981, subject: Title VI Employment Complaints Filed by Curtis Wrenn. Please note the following: "In one region, the Office of the Inspector General (OIG) is investigating a recipient's allegation that Mr. Wrenn engaged in unorthodox and unlawful efforts to secure financial gains or employment in return for nullifying his complaint with OCR."

Please provide me with the name of the recipient and the result of OIG's investigation.

Also, please provide me with a list of any and all charges of employment discrimination, of whatever kind or nature, received from and/or filed by Curtis L. Wrenn and received from other sources. Also, please provide me with the disposition made of each

such charge by your office (DHSS) and/or your predecessor (DHEW).

Your prompt attention to this matter would be appreciated.

Very truly yours,

/s/Curtis L. Wrenn

Enc

CERTIFIED MAIL P157139063

DEPARTMENT OF HEALTH & HUMAN SERVICES

JUL 24 1981 Washington, D.C. 20201

TO : Regional Directors
Regions I - X
Office for Civil Rights

FROM : Goldia D. Hodgdon, Acting Deputy Director
Office of Compliance and Enforcement

SUBJECT : Title VI Employment Complaints Filed by Curtis Wrenn

Curtis Wrenn has recently filed a series of complaints with three OCR regions alleging violations of Title VI based on denials of employment because of race by several health care facilities. Mr. Wrenn's actions, to date, indicate a pattern which may be repeated in all regions. In addition, several problems have arisen with respect to Mr. Wrenn's complaints. In one region, the Office of the Inspector General (OIG) is investigating a recipient's allegations that Mr. Wrenn engaged in unorthodox and unlawful

efforts to secure financial gains or employment in return for nullifying his complaint with OCR. Headquarters' staff has responded to another region's request for assistance regarding jurisdiction. We have indicated that OCR does not have jurisdiction because we are unable to establish a nexus consistent with our Title VI employment policy.

Every effort will be undertaken to ensure that Mr. Wrenn's complaints are responded to appropriately and consistent with current policy and procedures. However, consistency in our responses may prove difficult because of the complainant's actions. Therefore, effective immediately and until further notice, headquarters will assume responsibility for all current (and future) complaints filed with OCR by Mr. Wrenn.

Although this decision reflects a change from Virginia's memorandum of June 30, 1981, the matter was discussed with her. She concurs that Mr. Wrenn and OCR would benefit if all responses to him emanated from headquarters. The June 30 memo is attached for your reference.

All current complaints from Mr. Wrenn are to be transferred administratively to headquarters under CIMS code 06 for jurisdictional determinations. (This code is cited in the CIMS Manual and located under Attachment E, Referrals. This is a nonaccountable code.)

Mr. Wrenn is to be advised that his complaints have been transferred to headquarters; he should be referred to Charles Snow, Acting Division Director, Compliance Review and Assistance, for response to any questions or concerns he may be have. The case files for

these complaints should also be forwarded to headquarters for review. Regions in which Wrenn complaints have been filed, and the recipients have been notified, are to delay advising the recipients of the case transfer until headquarters indicates whether case closure or investigation (whichever is appropriate for case disposition) should be implemented. any inquiries from these recipients, prior to headquarters advice regarding case disposition, should also be referred to headquarters for responses. Any correspondence from Mr. Wrenn, regarding his current complaints, after the date of the memorandum should not be responded to by regional offices or logged into the regional tracking system(s); it should be forwarded immediately to headquarters. Any new complaints from Mr. Wrenn, subsequent

to this memorandum, should be assigned a regional docket number and immediately transferred to headquarters under CIMS code 06. Headquarters will respond to any correspondence and review all new complaints and advise Mr. Wrenn and the affected region(s) whether investigation(s) should pursue relative to the new complaints.

No region will be accountable under OMS for Wrenn complaints that have been processed according to this memorandum, unless the complaint requires an investigation. However, OMS responsibility for a complaint requiring an investigation will not be activated until the complaint is returned (or first forwarded) to the region.

Attachment

P.O. Box 1691
Albany, NY 12201
September 25, 1985

Office of the Inspector General
Department of Health and Human Services
200 Independence Avenue, S. W.
North Building, Room 5250
Washington, D. C. 20201

Ladies and Gentlemen:

Reference is made to the attached letter of June 30, 1981 signed by Ms. Virginia P. Apodaca.

Pursuant to the Freedom of Information Act, 5 U.S.C., Section 552, please provide me with a copy of the investigation referred to in Ms. Goldia D. Hodgdon's letter of July 24, 1981. Specifically, please provide me with any and all documents compiled during the investigation referred to in that letter, i.e., "In one region, the Office of the Inspector General (OIC) is investigating a recipient's allegation that Mr. Wrenn engaged in unorthodox and unlawful efforts to secure financial gains or employment in return for nullifying his complaint with COR."

Your prompt consideration of this request would be appreciated.

Sincerely,

/s/Curtis L. Wrenn

CERTIFIED MAIL P 157 139 092

DEPARTMENT OF HEALTH & HUMAN SERVICES

Washington, D.C. 20201

OCT 17 1985

The Honorable Gerald B. Solomon
House of Representatives
Washington, D. C. 20510

Dear Mr. Solomon:

This is in reference to your referral of correspondence from your constituent, Curtis L. Wrenn, regarding an alleged investigation of Mr. Wrenn by our office.

We have reviewed our files and have not found any reference to an investigation or other inquiry concerning Mr. Wrenn. Therefore, I am referring Mr. Wrenn's correspondence to Betty Lou Dotson, Director, Office for Civil Rights, Department of Health and Human Services. I am requesting that Ms. Dotson review this matter and respond directly to you concerning the Office for Civil Rights' respond directly to you concerning the Office for Civil Rights' memorandum of July 24, 1981 referencing the alleged investigation.

Thank you for your continued interest in the operation of our office.

Sincerely yours,

/s/Richard P. Kusserow
Inspector General

DEPARTMENT OF HEALTH & HUMAN SERVICES

Washington, D.C. 20201

OCT 17 1985

The Honorable Daniel P. Moynihan
United States Senator
733 Third Avenue
New York, New York 10017

Attention: Ms. Ellen Howard-Cooper

Dear Senator Moynihan:

This is in reference to your referral of correspondence from your constituent, Curtis L. Wrenn, regarding an alleged investigation of Mr. Wrenn by our office.

We have reviewed our files and have not found any reference to a investigation or other inquiry concerning Mr. Wrenn. Therefore, I am referring Mr. Wrenn's correspondence to Betty Lou Dotson, Director, Office for Civil Rights, Department of Health and Human Services. I am requesting that Ms. Dotson review this matter and respond directly to you concerning the Office for Civil Rights' memorandum of July 24, 1981 referencing the alleged investigation.

Thank you for your continued interest in the operation of our office.

Sincerely yours,

/s/Richard P. Kusserow
Richard P. Kusserow
Inspector General

DEPARTMENT OF HEALTH & HUMAN SERVICES

Washington, D.C. 20201

OCT 17 1985

The Honorable Alfonse D'Amato
United States Senate
Washington, D.C. 20510

Dear Senator D'Amato:

This is in reference to your referral of correspondence from your constituent, Curtis L. Wrenn, regarding an alleged investigation of Mr. Wrenn by our office.

We have reviewed our files and have not found any reference to a investigation or other inquiry concerning Mr. Wrenn. Therefore, I am referring Mr. Wrenn's correspondence to Betty Lou Dotson, Director, Office for Civil Rights, Department of Health and Human Services. I am requesting that Ms. Dotson review this matter and respond directly to you concerning the Office for Civil Rights' memorandum of July 24, 1981 referencing the alleged investigation.

Thank you for your continued interest in the

operation of our office.

Sincerely yours,

/s/Richard P. Kusserow
Richard P. Kusserow
Inspector General

DEPARTMENT OF HEALTH & HUMAN SERVICES

Washington, D.C. 20201

OCT 30 1985

Larry A. Velez
Office for Civil Rights
330 Independence Ave., SW
Washington, DC 20201

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, NY

Dear Mr. Wrenn,

This is in reply to your Privacy Act request for information about an investigation of you conducted by the Office of the Inspector General (OIG). This investigation was mentioned in a memorandum from Goldia Hodgdon to OCR regional directors dated 24 July, 1981. A canvass of the regional offices has revealed nothing about such an investigation. Nor has an inquiry of OIG brought any information to light. Since Ms. Hodgdon is no longer employed by OCR, I can only speculate that she was writing without concrete knowledge herself of any such investigation.

You also asked for a list of any and all charges of

employment discrimination filed by you. As I informed you be telephone on September 24, we do not provide, and are not required to provide, copies or lists of materials generated by the requestor.

If you have any further questions or requests, please contact me at the above address. Or call (202) 472-4256.

Sincerely,

/s/Larry A. Velez

RE: Case #85-496

November 4, 1985

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

This is in response to your September 25 Freedom of Information Act (FOIA) request to the Office of Inspector General (OIG) for a copy of an investigation concerning you. Your request has been referred to me because of my responsibilities under the FOIA.

The OIG has informed us that they have found no records on an investigation concerning you. The Office for Civil Rights was also contacted and they advised us to search in Region VII. However, they, too, reported no files that fall within the scope of your request.

I have determined to waive the fees for FOIA services in this instance in the public interest.

I am sorry I could not have been of more assistance to you.

Sincerely yours,

/s/
Carl C. Coleman,
Acting Director
Freedom of Information/
Privacy Division
Office of Public Affairs

bcc: OIC

Prepared by: LLSecora:ffw:11-04-85:OASPA:FOI:PD

U.S. Department of Justice

Federal Bureau of
Investigation

---

300 U. S. Court House
Kansas City, Missouri 64106

October 7, 1986

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

This is in response to your Freedom of Information Act-Privacy Acts (FOIPA) request dated October 3, 1986.

Based upon the information you furnished in your letter, a search of the records of this office failed to locate the information you requested. This search was limited to the records of the central records system of the FBI as maintained only in the Kansas City Office of the FBI.

In addition, we have search our Elsur index and failed to locate any information identifiable with you.

The reference you mentioned in your letter,

KC 48-0-13, was destroyed in a routine file destruction on December 4, 1977, as authorized by the regulations set forth in Title 41, Code of Federal Regulations, subpart 101-11.4.

Sincerely,

/s/
ROBERT B. DAVENPORT
Special Agent in Charge

DEPARTMENT OF HEALTH & HUMAN SERVICES

Washington, D.C. 20201

DEC 5 1986

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

Dear Mr. Wrenn:

This is in response to your September 19, 1986, letter to the Assistant Secretary for Management and Budget. I am responding to you because the Assistant Secretary has authorized me to answer appeals under the Freedom of Information Act (FOIA). In you letter you appeal the decision of Russell Roberts to deny you access to certain information related to an Office of the Inspector General Investigation concerning you.

I have reviewed the information and have decided to continue to withhold the information under Exemptions 5 U.S.C. 552(b) 7(C) and 7(D) allows materials to be withheld if release of the record would identify a confidential source.

This letter is the final action of the Department on

your appeal. If you wish, you may seek judicial review by the United States District Court for: (1) the district in which you reside or have your principal place of employment; or (2) the District of Columbia.

Sincerely yours,

/s/
Barbara S. Wamsley
Acting Deputy Assistant
Secretary for Management
Analysis and Systems

APPENDIX H
Page 1 of 13 Pages

P. O. Box 203
Fort Drum, NY 13603
June 5, 1990

Honorable Louis Sullivan, Secretary
U. S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D. C. 20201

RE: FOIA/Privacy Act Appeal

Dear Mr. Secretary:

Enclosed please find a copy of letter of May 31, 1990 from Carl C. Coleman. Also enclosed is related correspondence pertaining to my requests for information and/or documents under the FOIA and the Privacy Act.

Please accept this letter as my appeal of the denial of the requested information and/or documents. In that connection, the decision reflected by Mr. Coleman is erroneous. More specifically the reason advance by Mr. Coleman is blatantly false and is NOT supported by ANY information available to him, nor is it supported by facts he knew and/or should have known. Such false

statements as made by Mr. Coleman should not be condoned by you or any other member of the human family.

In that connection, the enclosed correspondence reflects a policy promulgated by DHHS in 1981 and which has been apparently followed by all regions of DHHS to date. Thus, where is the support for Mr. Coleman's statement that "The Office of Civil Rights (OCR) informs this office that no records were found in their files responsive to your request." What happened to the "Curtis L. Wrenn file?" Or is this another example of the mysterious disappearance of records and/or documents pertaining to him?

Very truly yours,

/s/Curtis L. Wrenn

Enclosures

CERTIFIED MAIL P382547227

DEPARTMENT OF HEALTH & HUMAN SERVICES

Washington, D.C. 20201

Case No. 90-0398

May 31, 1990

Mr. Curtis L. Wrenn
P.O. Box 203
Fort Drum, New York 13603

This is in response to your Freedom of Information Act (FOIA) request dated April 24, 1990, to Secretary Sullivan, in which you asked to be provided a copy of any and all information and/or documents, of whatever kind or nature, including but not limited to letters, memoranda, policy statements and notes compiled and/or prepared and/or disseminated by agents and/or employees of this Department and/or explaining and/or directing how charges of discrimination filed by you are to be processed and/or investigated. Your letter was referred to me because of my responsibilities under the FOIA.

The Office of Civil Rights (OCR) informs this office that no records were found in their files responsive

to your request.

There is no charge for FOIA services in this instance in accordance with 5 U.S.C. 552(a)(4)(A)(i) et seq.

Sincerely yours,

/s/Thomas C. Donnelly
Carl C. Coleman, Director
FOIA/Privacy Act Division
Office of Public Affairs

DEPARTMENT OF HEALTH & HUMAN SERVICES

Washington, D.C. 20201

Case No. 86-514

October 16, 1986

Mr. Curtis L. Wrenn
P.O. Box 1691
Albany, New York 12201

This is in response to your September 24 and 25 Freedom of Information Act (FOIA) requests for all investigative records concerning charges of unlawful employment discrimination filed by you against St. Joseph Hospital, St. John's Medical Center, St. John's Regional Health Center and Christian Hospital Northeast, all in Missouri.

According to the Office of Inspector General, an OCR chart mistakenly lists the four institutions as being under investigation. However, there was no investigation. The information was forwarded to the Federal Bureau of Investigation (FBI) because it was under their jurisdiction but the FBI said they did not plan to do an investigation.

Therefore, we have no records that fall within the

scope of your request.

In this instance, I have determined to waive fees in accordance with Section 5.63 of the Department's Regulation.

Sincerely yours,

/s/
Carl C. Coleman,
Deputy Director
FOIA/Privacy Act Division
Office of Public Affairs

P.O. Box 1691
Albany, NY 12201
October 21, 1986

Mr. Carl C. Coleman, Deputy Director
FOIA/Privacy Act Division
Office of Public Affairs
Department of Health & Human Services
Washington, D. C. 20201

Dear Mr. Coleman:

Thank you for your letter of October 16, 1986, a copy of which is attached.

I am, to say the least, deeply disturbed and confused by the content of your letter. First of all my request for information regarding DHHS' investigation of the respondents was not at all related to "an OCR chart". And second it was not related to an investigation by the FBI.

Mr. request for information pursuant to the FOIA had to do with specific charges of unlawful employment discrimination which I filed with DHHS against each respondent.

In that connection, enclosed please find correspondence from 1979 to 1981 related to charges against the respondents. Based upon this

correspondence, this is to respectfully renew my request of September 25, 1986 for any and all information compiled by DHHS in its investigation of each respondent. If for any reason DHHS did not conduct an investigation, please provide such a statement with a specific statutory and/or regulatory explanation for the alleged refusal to investigate.

Please refer to my enclosed letter of September 25 showing the charge number assigned by DHHS to each respondent. I would sincerely appreciate it if you would provide any and all information compiled by DHHS in processing those charges. The statement by you that "there was no investigation" is not only not acceptable without more, it is legally insufficient unless it is meant to state that DHHS knowingly and intentionally violated Title VI of the Civil Rights Act of 1964, as amended, by blatantly and maliciously refusing to process and/or investigate charges of unlawful employment

discrimination filed by Curtis L. Wrenn.

Very truly yours,

/s/Curtis L. Wrenn

Enc.

CERTIFIED MAIL P386111582

DEPARTMENT OF HEALTH & HUMAN SERVICES

June 30, 1981 Washington, D.C. 20201

TO : Regional Directors
Regions I - X

FROM : Virginia P. Apodaca,
Acting Deputy Director
Office of Compliance and Enforcement

SUBJECT : Handling of Title VI Complaints Filed by Curtis Wrenn

As we discussed in the Regional Directors' Conference, there is some question as to whether OCR has jurisdiction to investigate the Title VI employment complaints which Curtis Wrenn has filed with several regional offices. We would appreciate it if you would contact Goldia D. Hodgdon, Director, Division of Compliance Review and Assistance, at 245-7234, before determining whether you have jurisdiction to investigate a complaint filed by Mr. Wrenn. If you have already determined that you do have jurisdiction in one of these

complaints, please let Goldia know.

Thank you for your assistance.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE SECRETARY
Office for Civil Rights
Region III

Memorandum

TO : See Distribution Below

DATE:

FROM : Elaina M. Spina
Acting Lead specialist
Division II

July 13, 1981

SUBJECT : Handling of Title VI Complaints Filed by Curtis Wrenn

On July 13, 1981, I telephoned Ms. Goldia D. Hodgdon, Director, Division of Compliance Review and Assistance to discuss the above subject complaints. The telephone call was made pursuant to Virginia P. Apodaca's memorandum dated June 30, 1981.

Ms. Hodgdon informed me that we are not to proceed with the investigation of any of the three complaints. She stated that Headquarters is requiring all the regional offices to submit the complaints filed by Mr. Wrenn to the Headquarters office. The Central Office will handle all the cases.

A memorandum will be forthcoming within several days explaining the procedure we will take in order for the transfer of the cases to take place.

Distribution:

Leroy McAllister
Samuel Parker
E. Lewandowski
James Daye
Joyce Wright
Barbara Banks
Yvone K. Brown
Davis Sanders

APPENDIX I
Pages 1 of 2 Pages

United States Court of Appeals
For The
Second Circuit

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 17th day of May, one thousand nine hundred and eighty-eight.

Present:

HONORABLE WILFRED FEINBERG
Chief Judge

HONORABLE THOMAS J. MESKILL

HONORABLE LAWRENCE W. PIERCE

Circuit Judges

----------X

CURTIS L. WRENN,

Appellee.

-v- 88-6037

SECRETARY OF U.S. DEPT OF H&HS, et al.,

Appellees.

----------X

1. Curtis L. Wrenn, pro se, seeks in forma

pauperis status and assignment of counsel in order to appeal from an order of the United States District Court for the Northern District of New York, denying his request for similar relief in the district court. A review of the papers before us shows that the appeal is frivolous. The application is denied and Wrenn's appeal is dismissed.

2. In view of the numerous appeals that Wrenn has filed in this court, some frivolous and apparently all without merit, e.g., Wrenn v. Meese, et al., 87-6199, 87-6157, we caution him that prosecuting any future frivolous appeals may well result in imposition of stern sanctions including, but not limited to, double costs and damages pursuant to Fed. R. App. P. 38.

/s/
WILFRED FEINBERG,
Chief Judge

/s/
THOMAS J. MESKILL

/s/
LAWRENCE W. PIERCE

Circuit Judges

APPENDIX J
Pages 1 of 2 Pages

United States Court of Appeals
For The
Second Circuit

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 29th day of June, one thousand nine hundred and eighty-eight.

Curtis L. Wrenn,

Appellant,

v. 88-6087

Hon. Edwin Meese, et al.,

Appellees.

A motion having been made herein by appellant pro se for leave to proceed in forma pauperis; assignment of counsel

Upon consideration thereof, it is

Ordered that said motion be and it hereby is DENIED and the appeal is dismissed. Appellant's attention is directed to the order of this court, dated May 17, 1988, in one of the appellant's appeals, No. 88-6037, cautioning him regarding the prosecution of frivolous appeals after that date.

WF TJM ALK

/s/
WILFRED FEINBERG,
Chief Judge

/s/
THOMAS J. MESKILL,

/s/
AMALYA L. KEARSE,
Circuit Judges

APPENDIX K
Pages 1 of 2 Pages

United States Court of Appeals
For The
Second Circuit

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 30th day of June, one thousand nine hundred and eighty-eight.

Curtis L. Wrenn,

Appellant,

v. 88-6117

Clarence Thomas, and ano.,

Appellees.

A motion having been made herein by appellant pro se for leave to proceed in forma pauperis; assignment of counsel

Upon consideration thereof, it is

Ordered that said motion be and it hereby is DENIED and the appeal is dismissed. Appellant's attention is directed to the order of this court, dated May 17, 1988, in one of the appellant's appeals, No. 88-6037, cautioning him regarding the prosecution of frivolous appeals after that date.

WF JEL TJM

/s/
WILFRED FEINBERG,
Chief Judge

/s/
J. EDWARD LUMBARD,

/s/
THOMAS J. MESKILL
Circuit Judges

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CURTIS L. WRENN,

Plaintiff,

-against-

ORDER

THE HONORABLE EDWIN MEESE, Attorney General of the United States, THE HONORABLE OTIS R. BOWEN, Secretary of U. S. Department of Health and Human Services, BOARD OF DIRECTORS of St. John's Medical Center, MICHAEL R. MILLER, Individually and ad President of St. John's Medical Center, BOARD OF DIRECTORS of St. John's Regional Health Center, BOARD OF DIRECTORS of Christian Hospital Northeast-Northwest, JOHN H. QUINN, P.C., ARMSTRONG, TEASDALE, KRAMER & VAUGHAN, and Others to be named,

CIVIL ACTION NO. 86-CV-1198

Judge McCurn

Defendants.

Defendants, John H. Quinn, P.C., Armstrong, Teasdale, Kramer & Vaughan, and the Board of Directors of St. John's Medical Center, having moved for dismissal of the complaint upon various grounds, and the Court having considered the facts and

arguments in support of and in opposition to the motions, and this matter having come on for hearing on January 6, 1987 at the U. S. District Courthouse in Albany, New York, and appearances having been made at that time and place by Christopher Massaroni, Esq. of DeGraff, Foy, Conway, Holt-Harris & Mealey on behalf of John H. Quinn, P.C. and Armstrong, Teasdale, Kramer & Vaughan, and Philip J. Danaher, Esq. of Carter, Conboy, Bardwell, Case & Blackmore on behalf of St. John's Medical Center, and there having been no appearance on behalf of the plaintiff, it is hereby

ORDERED that all claims against John H. Quinn, P.C., Armstrong, Teasdale, Kramer & Vaughan, and the Board of Directors of St. John's Medical Center are dismissed pursuant to FRCP 12(b)(3) on the ground that this Court is an improper venue for this action, and upon motion of the Court, it is further

ORDERED that all claims against all other defendants are dismissed pursuant to FRCP 12(b)(3) upon the ground that this Court is an improper venue for this action, and

The Court having determined that the allegations of the Complaint are not well grounded in fact and that the Complaint was imposed for the improper purpose of harassing defendants, it is further

ORDERED that defendants John H. Quinn, P.C., Armstrong, Teasdale, Kramer & VAughan, and the Board of Directors of St. John's Medical Center shall recover sanctions from the plaintiff in an amount to be determined by the Court in accordance with the Court's instructions made in open Court on January 6, 1987.

/s/Neal P. McCurn
HONORABLE NEAL P. McCURN

DATED: January 14, 1987.
Syracuse, NY

APPENDIX M
Page 1 of 6 Pages

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CURTIS L. WRENN, Civil Action No.

Plaintiff 86-CV-1198

vs JUDGE McCURN

THE HONORABLE EDWIN MEESE, et al.,

Defendants.

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION AND/OR PETITION FOR WRIT OF MANDAMUS

NOW COMES the plaintiff in the above referenced matter and moves this Court to issue an Order directing the U. S. Department of Health and Human Services (DHHS) and the U. S. Department of Justice (Justice), to provide any and all information requested by him pursuant to the Freedom of Information Act (FOIA) (5 USC 552). This petition/motion should be granted for the reasons set forth in the accompanying Memorandum in Support, attached hereto and made a part hereof as if fully

rewritten.

Respectfully submitted,

/s/Curtis L. Wrenn
Curtis L. Wrenn PRO SE
P.O. Box 1691
Albany, NY 12201

MEMORANDUM IN SUPPORT

COMES NOW the plaintiff and alleges and complains of the DHHS and Justice for conspiring to interfere with his attempts to vindicate his civil rights, by, among other things, withholding information which is essential for him to prosecute his claims in various United States District Courts. The defendants have denied plaintiff access to pertinent information, while at the same time making the same information available to public and private employers who have unlawfully denied employment to him, in violation of 42 USC 1981, 1983 and 2000e.

Plaintiff has exhausted the required administrative remedies in connection with his FOIA request to DHHS. See Exhibit #12 of the Complaint. As shown in that Exhibit plaintiff has been attempting since 1981 to obtain information regarding an investigation that was conducted of him

in 1981 (pages 3-10). DHHS initially denied any knowledge of the investigation (pages 18-20). Plaintiff received a copy of the Report of Investigation AFTER he provided DHHS with the name of the investigator which he had received from an unknown source. Plaintiff has recently received additional conflicting information, which as a minimum demonstrates an intentional malicious coverup. Specifically, plaintiff has been informed by the FBI that the file pertaining to the investigation of him was destroyed December 4, 1977. See Exhibit #1, which is incorporated herein expressly by reference as though fully rewritten. In addition, DHHS now informs plaintiff that it has decided to "withhold the information" allegedly because the "release of the record would identify a confidential source." Plaintiff submits that the denial of the information and the various false and misleading statements demonstrate the malicious intent on the part of DHHS. See Exhibit #2.

Plaintiff has not been successful in his attempts to exhaust the required administrative remedies in

connection with his FOIA request for information in connection with charges of unlawful employment discrimination filed by him with DHHS, including charges filed against certain defendants in this case. DHHS has neither denied nor granted plaintiff's request. The various requests by the plaintiff are as indicated in Exhibit #3, which is incorporated herein.

Plaintiff has since June 1984 been unsuccessful in his attempts to obtain information which has been received and/or disseminated about him by the United States Attorney and other officials of Justice. Plaintiff has not been able to exhaust his administrative remedies. Moreover, his requests have neither been granted or denied. The reason being Justice maintains that "The heavy volume of ... requests received has created substantial processing delays." See letter of February 19, 1986 (page 8 of Exhibit #2 of the Complaint).

In summary, plaintiff submits he has been denied information under the FOIA by DHHS and Justice as part of their efforts to deny him the opportunity to

vindicate his civil rights against those who have discriminated against him. The actions by DHHS and Justice constitute wanton disregard for plaintiff's rights under the Constitution and laws of the United States.

WHEREFORE, plaintiff prays that this Court will direct DHHS and Justice to provide the information requested by him under the FOIA within thirty (30) days and/or demonstrate to the satisfaction of the Court that there are legitimate reasons for withholding the requested information.

Respectfully submitted,

/s/Curtis L. Wrenn
Curtis L. Wrenn PRO SE
P.O. Box 1691
Albany, NY 12201
Tel: (518) 477-2508

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed this 15th day of December, 1986 to Christopher Massaroni, Esq., Ninety State Street, Albany, NY 12207-1780; Board of Directors, Christian Hospital NE-NW, 11133 Dunn Road, St. Louis, MO 63136; and the U.S. Attorney, U.S.P.O. & Courthouse, 445 Broadway,

Albany, NY 12207, via U.S. mail, postage prepaid.

/s/Curtis L. Wrenn

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

January 16, 1986

The Honorable Edwin Meese
Attorney General of the United States
Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D. C. 20530

Dear Attorney General Meese:

Reference is made to Section 707(a) of The Equal Employment Opportunity Act of 1972. The Act states in part that:

> "Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint ..."

The purpose of this letter is to formally request that you file a complaint in the appropriate district court of the United States against the

following:

United States Attorney, District of Columbia

Secretary, U. S. Department of Health and Human Services

In support of this request, enclosed please find correspondence pertaining to the following:

Efforts by the United States Attorney to prevent me from vindicating my legal and Constitutional rights, by aiding those who have discriminated against me.

Efforts by the U. S. Department of Health and Human Services to stigmatize me and to frustrate my efforts to vindicate my civil rights.

In summary, the above individuals have engaged in a pattern or practice to prevent my full enjoyment of the rights secured by the EEOC Act.

Please advise.

Very truly yours,

/s/Curtis L. Wrenn

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

March 9, 1986

The Honorable Edwin Meese
Attorney General of the United States
Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D. C. 20530

Dear Attorney General Meese:

Reference is made to Section 707(a) of The Equal Employment Opportunity Act of 1972. The Act states in part that:

> "Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint ..."

The purpose of this letter is to formally request that you file a complaint in the appropriate district court of the United States against the following agencies/departments of the State of New York:

New York State Office of Mental Health.

New York State Department of Social Services.

State University of New York.

New York State Department of Health.

In support of this request, enclosed please find correspondence pertaining to my efforts to obtain employment with the above agencies/departments. Please note that I have filed charges of unlawful employment discrimination with the NYS Division of Human Rights, the EEOC, and the U. S. Department of Health and Human Services and/or the U. S. Department of Education.

In summary, the above individuals of the State of New York are hereby charge with engaging in a pattern or practice to prevent my full enjoyment of the rights secured by The EEOC Act and the Constitution and laws of the United States.

Sincerely,

/s/Curtis L. Wrenn

CERTIFIED MAIL P157135446

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

March 9, 1986

The Honorable Edwin Meese
Attorney General of the United States
Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D. C. 20530

Dear Attorney General Meese:

Enclosed please find a copy of my letters to you of January 16, 1986 and March 9, 1986. As of the date of this letter I have not received a reply from your office.

Accordingly, this is to respectfully request that you review my request for you to file a complaint in the appropriate district court of the United States against those organizations and agencies named in my letters. I am deeply disturbed and concerned about an existing pattern or practice to prevent my full enjoyment of the rights secured by The EEOC Act and the Constitution and laws of the United States of America.

Thank you for your assistance in this matter.

Very truly yours,

/s/Curtis L. Wrenn

Enclosures

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

May 24, 1986

The Honorable Howard G. Munson
Chief Judge
United States District Court
Northern District of New York
100 South Clinton Street
Syracuse, NY 13260

Dear Judge Munson:

Please accept this letter as a follow up to recent correspondence to you. You will recall that I wrote you on January 16, 1986, and apprised you of the fact that I had written the Attorney General of the United States, and requested his assistance in combating overt and covert actions by private and public employers to deprive me of employment.

The purpose of this letter is to advise you that I have not received a response from the Attorney General to my letters to him of January 16, 1986, March 9, 1986 and April 7, 1986. In view of the fact that the Attorney General has not responded to my requests, this is to respectfully request that you take action pursuant to Section 707(b) of The

Equal Employment Opportunity Act of 1972.

Enclosed please find a copy of my correspondence to the Attorney General. I would consider it an honor and a privilege to review and discuss my recurring problems related to employment and unlawful employment discrimination.

Thank you for your understanding and assistance.

Very truly yours,

/s/Curtis L. Wrenn

Enc.

CERTIFIED MAIL P 042744583

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

May 18, 1988

Honorable Edwin Meese III
Attorney General
United States Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D. C. 20530

RE: Wrenn v. NYS Department of Mental Health

Dear Mr. Attorney General:

Enclosed please find that latest in a series of charges of unlawful employment practice which I have filed against the NYS Department of Mental Health.

The respondent has intentionally discriminated against me since at least 1979, because of my race (Negroid) and in retaliation for my previous opposition to employment practices made unlawful by the Constitution and laws of the United States. As a result of the intentional malicious action by the respondent I have been denied equal employment opportunity, and as a result I have been denied employment as an administrator in the profession of hospital and health care administration.

Based on the foregoing, this is to respectfully request that the Attorney General of the United States file a civil action against the respondent, pursuant to Section 706f(1) of The Equal Employment Opportunity Act of 1972.

Please advise me regarding your decision in this matter.

Very truly yours,

/s/Curtis L. Wrenn

Enclosure

CERTIFIED MAIL P713962732

APPENDIX O
Page 1 of 10 Pages

CURTIS L. WRENN
P. O. Box 1691
Albany, NY 12201

Telephone:
(518)477-2508

September 12, 1988

Dorothy e. Mead
EEOC District Director
109 Market Place, Suite 4000
Baltimore, MD 21202

RE: Wrenn v. Univ. of Md. Hospital, EEOC 033781246 District Court HAR-82-2044; court of Appeals No. 85-1664

Dear Mrs Meed:

Enclosed please find the following:

Determination by the EEOC

Order of Dismissal by the District Court

Order of Court of Appeals (Affirmed in Part;1 Vacated in Part; and Remanded)

Appellant's Petition for Rehearing

Please review the above documents, especially Exhibit #7 of the Petition for Rehearing and the decision of the Court of Appeals.

The purpose of sending the above documents to your office is to respectfully request, pursuant to

the Freedom of Information Act (5 USC 552), that you provide me with a copy of any and all records, notes, letters, memorandum, and documents, of whatever kind or nature, which demonstrate the basis for the statement at page three (3) of the Determination on Appeal Petition of 2/12/81 (Exhibit #7 of the Petition for Rehearing) that "Since the Charging Party filed his charge more than a year after notice that he would be denied tenure and not receive a new contract, ..." In that regards, your attention is invited to page thirteen (13), paragraph twenty-four (24) of the Petition for Rehearing.

In that connection, and as demonstrated in my Petition for Rehearing, I WAS NOT hired by the University of Maryland Hospital under ANY type of contractual arrangements. Moreover, I WAS NOT a tenured employee NOR was I eligible for tenure in my capacity as Associate Director for Administration, which was an "Associate Staff" position in the "unclassified services" of the State of maryland.

You will recall that the "Maryland case" is the

beginning of ten years of being deprived of the opportunity to pursue my profession of hospital and health care administration. Thus this case has enormous importance to me in my continuing efforts to vindicate my civil, legal and constitutional rights. For ten years I have not been able to obtain employment in ANY hospital in America, and I believe the trend will continue until at least the Maryland case is settled in my favor.

Accordingly, the information requested is essential for me to PROVE that the Attorney General of maryland has intentionally and maliciously made a false statement, i.e., that the position of Associate Director for Administration was somehow a tenured and/or contract position. The position was neither a contract nor tenured position. My request herein is for a copy of the "evidence" submitted to the EEOC, and NOT the Argument and/or Allegation that the Attorney General made regarding the Supreme Court's decision in Delaware State College v. Ricks, 449 U.S. 250 (1980) should be applied in this case. The reason being the FACTS clearly demonstrate that

Ricks DOES NOT apply to the position at issue because the position WAS NOT a faculty and/or academic position and/or tenured position and/or a contract position. Therefore, I must respectfully continue to ask a very basic question, and that is "how could Ricks apply to the situation in this case?"

Please provide the requested information before September 30, 1988.

Very truly yours,

/s/Curtis L. Wrenn

cc: General Counsel, EEOC District Office, Baltimore

General Counsel, EEOC Headquarters, Washington

Mr. Clarence Thomas, Chairman, EEOC

Clerk, U. S. Court of Appeals, Fourth Circuit

CERTIFIED MAIL P688948060

P. O. Box 203
Fort Drum, NY 13603
May 28, 1990

Honorable Louis Sullivan, Secretary
U. S. Department of Health and Human Services
200 Independence Avenue, S. W.
Washington, D. C. 20201

RE: FOIA/Privacy Act Appeal

Dear Mr. Secretary:

Enclosed please find a copy of letter of May 17, 1990 from Carl C. Coleman. Also enclosed is related correspondence pertaining to my requests for information and/or documents under the FOIA and the Privacy Act.

Please accept this letter as my appeal of the denial of the requested information and/or documents. In that connection, the decision reflected by Mr Coleman is erroneous. More specifically I have NOT received any information whatsoever from DHHS concerning my charge of employment discrimination filed against the University of Maryland Hospital on or about March 3, 1978. To date I have no information concerning what DHHS did with the charge. Also, I have not received

any information under the Privacy Act regarding the investigation allegedly conducted of me by the Office of the Inspector General.

Very truly yours,

/s/Curtis L. Wrenn

P. O. Box 203
Fort Drum, NY 13603
May 28, 1990

Honorable Louis Sullivan, Secretary
U. S. Department of Health and Human Services
200 Independence Avenue, S. W.
Washington, D. C. 20201

RE: Privacy Act of 1974 (5 USC 552a)

Dear Mr. Secretary:

Enclosed please find the following correspondence:

(1) Appendix A - Report of Investigation, File No KC-48-0-13 (June 25, 1981) and related DHHS correspondence.

(2) Appendix B - Charge of Employment Discrimination filed against the University of Maryland Hospital, Baltimore, MD on or about March 3, 1978.

Pursuant to the Privacy Act, please provide me with a copy of any and all documents, of whatever kind or nature, including but not limited to recorded telephone calls, letters, memorandum, notes, photographs compiled by DHHS and/or received from any person, corporation, governmental agency,

hospitals and/or health care organizations, and a list of all persons (name and last known address) who have knowledge of ANY aspects of Appendix A and/or B.

More specifically, please provide the complete file of the Report of Investigation, File No KC-48-0-13. Also please provide a complete file of the investigation conducted by DHHS in connection with the charge of unlawful employment discrimination filed on or about March 3, 1978.

Very truly yours,

/s/Curtis L. Wrenn

Enclosures

CERTIFIED MAIL P094015444

P. O. Box 203
Fort Drum, NY 13603
January 20, 1989

Office of Legal Counsel
U. S. Equal Employment Opportunity Commission
2401 E Street, NW
Washington, D.C. 20507

RE: Wrenn v. Univ of Md (Charge 033-78-1246; 88-12-FOIA-147-BA)

Ladies and Gentlemen:

Please accept this letter as an appeal of the denial of my FOIA request. A copy of the denial is enclosed.

The basis for my appeal is that on or about 2/12/81 the EEOC in its Determination on Appeal Petition made at least two statements at page three which to my knowledge has no basis in fact. The statement are:

> "Unfortunately for some of his Title VII rights, he filed a charge a few days after his employment with Respondent ceased."
>
> "While we find the charge untimely in regard to the issue of denial of tenure and non-renewal of contract, ..."

I have repeatedly requested information which the EEOC apparently based the above decisions. In that connection, my records show that the EEOC received

the charge on or about May 30, 1978. My last day of employment was July 1, 1978. In addition, I was not a tenured employee, nor did I have a contract. More importantly, I was not eligible for tenure nor entitled to a contract.

Please provide the requested information.

Very truly yours,

/s/Curtis L. Wrenn

Enclosure - Determination on Appeal Petition

CERTIFIED MAIL P858010895

APPENDIX P
Page 1 of 2 Pages

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CURTIS L. WRENN	*	
Plaintiff	*	
v.	*	CIVIL ACTION NO.:
G. BRUCE McFADDEN, et al.	*	HAR-82-2044
Defendant	*	

* * * * * * *

ORDER OF DISMISSAL

Upon consideration of Defendant's Motion to Dismiss Plaintiff's First Amended Complaint, the supporting and opposing memoranda filed by the parties, and oral argument presented at hearing,

It is ORDERED and ADJUDGED that the motion is granted and the First Amended Complaint is dismissed with prejudice because:

1. Plaintiff failed to exhaust any administrative remedy concerning his claims brought pursuant to Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. subsection 2000d, with any federal agency responsible for enforcement of

the nondiscrimination provisions and regulations of this statute.

2. Plaintiff failed to file a timely charge with the Equal Employment Opportunity Commission regarding any claims brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. subsection 2000e, and the further failed to raise any claim of retaliation or to name any individual defendant in the untimely charge he did file.

3. Plaintiff's claims brought pursuant to 42 U.S.C. subsections 1981 and 1983 are time barred since they were not filed within the limitation period specified in MD. CTS. & JUD. PROC. CODE ANN. subsection 5-101.

Dated this 22nd day of May, 1985.

/s/Signature illegible
UNITED STATES
DISTRICT JUDGE